

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ROBERT W. PRESTON,

Plaintiff,

v.

No. CV 14-0278 KG/LAM

**CAROLYN W. COLVIN,
Acting Commissioner of the Social
Security Administration,**

Defendant.

ORDER GRANTING IN PART MOTION FOR EXTENSION OF TIME

THIS MATTER is before the Court on *Plaintiff's Unopposed Motion Out of Time to Extend Time for Filing Brief* (Doc. 21), filed August 13, 2014, in which Plaintiff asks for an extension of sixty days for the briefing deadlines in this case. The motion for an extension of time was filed well after the July 28, 2014, deadline set by the Court for filing Plaintiff's Motion to Reverse or Remand (*see Doc. 13*), which resulted in the Court entering an Order to Show Cause why Plaintiff's case should not be dismissed for failure to prosecute (*see Doc. 19*). The Court has previously found that Plaintiff's counsel's response to the Order to Show Cause, in which she explains why she has not filed a Motion to Reverse or Remand in Plaintiff's case within the sixty days she was previously given to do so, is inadequate. *See [Doc. 22] (Order Quashing Order to Show Cause)*. Nevertheless, the Court decided not to recommend that sanctions be imposed at this time and to quash the show cause order. *Id.* The Court, however, has a deadline it has to meet as well, which is triggered by the filing of the Administrative Record in Social Security appeals, and has an obligation to manage its cases efficiently to effectuate a speedy resolution for

the litigants who bring cases before the Court. Therefore, the Court finds that an additional sixty days for Plaintiff to file his brief is excessive given the amount of time he has already been given. The Court will, instead, allow Plaintiff until **September 5, 2014** in which to file a Motion to Reverse or Remand, and will extend the deadlines for a response and reply accordingly.

IT IS THEREFORE ORDERED that *Plaintiff's Unopposed Motion Out of Time to Extend Time for Filing Brief* (Doc. 21) is **GRANTED** in part and **DENIED** in part.

IT IS FURTHER ORDERED that Plaintiff shall file a Motion to Reverse or Remand Administrative Agency Decision, with a supporting memorandum, **no later than September 5, 2014**; Defendant shall file a response to the motion **no later than November 4, 2014**; and Plaintiff shall file a reply **no later than November 18, 2014**.

The Court will not allow any further extensions of time in this case, for either party, absent a showing of exceptional cause, and neither press of business nor personal litigation constitute exceptional cause.

IT IS SO ORDERED.


LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE